

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

1200 19TH STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

(202) 955-9600

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MUMBAI, INDIA
TOKYO, JAPAN

FACSIMILE

(202) 955-9792

WRITER'S DIRECT LINE
(202) 887-1248

WRITER'S E-MAIL
rbuntrack@kelleydrye.com

EX PARTE OR LATE FILED

November 3, 1999

RECEIVED
NOV 3 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Application of Bell Atlantic for Authority to Provide
In-Region InterLATA Services in New York
CC Docket No. 99-295**

Dear Ms. Salas:

Pursuant to Section 1.1206 of the Commission's rules, the Association for Local Telecommunications Services ("ALTS"), by its undersigned counsel, hereby gives notice that on November 2, 1999, its representatives met with Andrea Kearney, Julie Patterson, Anthony Dale, and Whitey Thayer of the Common Carrier Bureau; Claudia Pabo, Johanna Mikes, Daniel Shiman, Eric Einhorn, John Adams and John Stanley of the Common Carrier Bureau's Policy Division; and Renee Terry, Deborah Ramirez and Raj Kannan of the Common Carrier Bureau's Pricing Division. Representing ALTS were Jonathan Askin, Vice President-Law and the undersigned.

KELLEY DRYE & WARREN LLP

Ms. Magalie R. Salas
November 3, 1999
Page 2

In the meeting, ALTS discussed its reply comments to be filed on November 8, 1999. ALTS expressed its concerns regarding Bell Atlantic's ability to provide unbundled local loops, as highlighted by the Department of Justice Evaluation of Bell Atlantic's application, filed November 1, 1999. ALTS indicated that in the event the Commission approves Bell Atlantic's application, it must concurrently provide for the implementation of strong anti-backsliding measures and make fresh look opportunities available to consumers. In accordance with Section 1.1206(b), an original and one copy of this notice is being provided.

Sincerely,

A handwritten signature in cursive script, reading "Ross A. Buntrock".

Ross A. Buntrock

cc: FCC staff listed above
Dee May, Bell Atlantic (w/ attachment)

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November 2, 1999



202.969.2597 jaskin@alts.org

202.955.9600 rbuntrock@kelleydrye.com

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OVERVIEW

- BA-NY's ABILITY TO PROVISION LOOPS IS INADEQUATE
- DOJ FOUND ABILITY TO PERFORM HOT CUTS, PROVISION DSL CAPABLE LOOPS UNSATISFACTORY. NYPSC GAVE TEMPERED RECOMMENDATION
- ANTI BACKSLIDING PROTECTIONS. FRESH LOOK MUST ACCOMPANY ANY APPROVAL

LOOP PROBLEMS

- HOT CUTS
 - AGREE WITH DOJ THAT POOR HOT CUT PERFORMANCE HINDERS CLECs
 - TEN PERCENT OF HOT CUT ORDERS NOT ON TIME, PROCEDURES NOT FOLLOWED

LOOP PROBLEMS

- HOT CUTS (cont'd)
 - EARLY CUT-OVERS MAY RESULT IN SERVICE DISRUPTION
 - NYPSC AGREES THAT METRICS MUST BE ADJUSTED TO SHOW HOT CUT TROUBLES SPECIFICALLY
 - MODIFICATION OF METRIC TO SHOW DD-2 DIAL TONE CHECK “UPON ENTRY” INSUFFICIENT

LOOP PROBLEMS

- FIRM ORDER COMMITMENTS (FOCs)
 - BA-NY FOCs/LSRCs ARE PROVIDED LATE. INACCURATELY
 - DISAGGREGATED PERFORMANCE DATA PROVIDED TO DOJ SHOWED 30% OF FOCs/ORDER REJECTIONS PROVIDED LATE

LOOP PROBLEMS

- DSL CAPABLE LOOPS
 - BA-NY HAS NO EFFICIENT MEANS OF IDENTIFYING WHETHER A GIVEN LOOP IS DSL-CAPABLE
 - CHARGES FOR MANUAL SURVEY TOO COSTLY
 - MAJOR ORDERING, PROVISIONING ISSUES REMAIN
 - JUST OVER 1/2 OF DSL LOOP ORDERS ON TIME IN AUG. AND SEPT.

LOOPS

- DSL CAPABLE LOOPS (cont'd)
 - THE NYPSC RECOGNIZED THAT LOOP QUALIFICATION, PROVISIONING AND MAINTANENCE ISSUES, ALONG WITH PERFORMANCE METRICS ARE UNRESOLVED
 - BA-NY'S TARIFF RESTRICTS SERVICE OFFERINGS, IMPOSES DILATORY, NON-TELRIC NRC CHARGES

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ANTIBACKSLIDING

- NYPSC RELYING HEAVILY ON BA-NY POST-ENTRY COMMITMENTS TO IMPROVE PERFORMANCE
 - HOT CUT PROCEDURES
 - PROVISIONING OF DSL LOOPS
 - PROVISION OF DARK FIBER TRANSPORT AND NEW UNEs SPACE
- BA-NY ALREADY CITING DIFFICULTY OF COMPLYING WITH UNE REMAND ORDER

ANTIBACKSLIDING (cont'd)

- ALTS SHARES DOJ's CONCERNS REGARDING THE "PAP"
 - PROCEDURES TOO CUMBERSOME
 - SANCTIONS TOO SMALL TO PROMOTE COMPLIANCE
 - COMPLICATED USE OF STATISTICS MASKS POOR PERFORMANCE

• • • ANTIBACKSLIDING (cont'd)

- COMMISSION HAS AUTHORITY TO IMPLEMENT ANTIBACKSLIDING MEASURES
- SECTIONS 214(c), 251(d), 271(d)(6)(A), 303(r), 4(i) PROVIDE CLEAR AUTHORITY
- THREE-TIERED PENALTY SCHEME SHOULD BE IMPLEMENTED (REDUCED UNE RATES, SUSPENSION, MATERIAL FINES)

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ANTIBACKSLIDING (cont'd)

- 271 ROCKET DOCKET COMPLAINT PROCESS SHOULD BE PROVIDED
- IF BOC FOUND BY COMMISSION TO BE AT FAULT FOR OUTAGE, BOC SHOULD BE REQUIRED TO NOTIFY CUSTOMER TO ALLEVIATE DAMAGE TO CLEC REPUTATION

FRESH LOOK

- FRESH LOOK OPPORTUNITIES MUST ACCOMPANY ANY GRANT OF AUTHORITY
- EXCESSIVE TERMINATION PENALTIES WILL STIFLE COMPETITION
- CHANGED CIRCUMSTANCES CLEARLY WARRANT FRESH LOOK